IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.192 OF 2005

Rashmin R. Shah .. .. Petitioner

Versus

The State of Maharashtra & Anr. .. Respondents

Mr.V.V.Purwant, Advocate for petitioner.

Mr.S.R.Shinde, APP for respondent no.1.

Mr.H.R.Sharma, Advocate for respondent no.2.

CORAM : R.M.S.KHANDEPARKAR &

P.V.KAKADE, JJ.

DATE : 12TH APRIL, 2005.

P.C.:

1. Heard. Rule. By consent the rule is made returnable forthwith.

2. The affidavit filed by the respondent no.2 is

taken on record. The present petition has been filed for quashing of FIR No.16/2005 dated 8.1.2005 lodged with Borivli Police Station, Mumbai. It is the case of the petitioner that the petitioner has amicably settled the dispute with the complainant and has refunded the amount which was already paid for booking the flat for the complainant. The Respondent no.2 the complainant in the said FIR has also filed the affidavit confirming the said fact. We have also heard personally the respondent no.2, who is present in the court, who has confirmed that he has received the money back and has settled the matter amicably. Apparently both the parties having arrived at amicable settlement and respondent no.2 having received back the amount, which was originally paid to the petitioner and as both the parties are not interested in pursuing with the matter either with the police or in the court, the request made by the petitioner with the consent of the respondent no.2 for quashing of the said FIR is hereby allowed and rule is made absolute in terms of prayer clause (b).

(R.M.S.Khandeparkar,J.)

(P.V.Kakade,J.)